

D.O.C.

Mar 1  
1-23-2020

IN THE UNITED STATES DISTRICT COURT  
FOR MIDDLE DISTRICT AND MAGISTERIAL  
DISTRICT 32-2-47 OF PENNSYLVANIA

DAMION WHITAKER  
PLAINTIFF

CP-23-CR-5297-2018

v.

BRANDY GRAY

Off: JENNA LONG #4665

Off: NICHOLAS TOKONITZ #4629

TWP - BOROUGH - POLICE DEPARTMENT  
OF

YADON, PENNSYLVANIA  
DELAWARE COUNTY of PENNSYLVANIA

DOC - CAMP HILL - MEDICAL SERVICES

- BETH HERD - HEALTH CARE ADMINISTRATOR  
CORRECTION INSTITUTIONAL SAFETY MANAGER

- GREGORY CARBAUGH  
DEPUTY SUPERINTENDENT

- SHAWN KEPHART  
LICENCED PSYCHOLOGY MANAGER

- GREGORY PIOTICA  
NURSE - PERSONNEL STAFF

- DR. ELICIA STEIN  
LICENCED PSYCHOLOGIST - ALL

- GREGORY PIOTICA  
MANAGER

- PSYCH - EMPLOYEE PERSONNEL - ALL

- LAUREL HARRY - KEITH CARBERY

JOHN E. WETTON

FILED  
HARRISBURG, PA

FEB 07 2019

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- Article 78 § 883 - Judicial violation P.C. § 87-  
Challenge sentencing calculations/guidelines

\* Tort Actions

Fall into two categories

- intentional tort and negligence

Medical Malpractice's

"Duty of Care" And It Must violate a  
is within the class of reasonably foreseeable  
hazards that the duty exists to prevent.

Sanchez v. State of New York, 99 N.Y.2d at 252; see  
Palay v. U.S., 349 F.3d 418, 433-34 (7th Cir. 2003)  
Discussing foreseeability, Downey v. Denton  
County, Texas, 119 F.3d 381, 387-88 (5th Cir. 1997) (same)

State Medical Staff

Ashker v. California

112 F.3d 392 (9th Cir. 1997) Dept of Corrections,

NOTICE OF ARTICLE 78

§ 1983

AND NOW COMES, DAMION WHITAKER BRING  
FORTH § 1983 claim FOR RELIEF CP-23-CR-5797-  
2018 THE FINAL ORDER WAS ENTERED ON  
DAY of JANUARY 2020.

ON the DAY of MAY 19, 2018 I was arrested  
AND Prosecuted by NOVEMBER 8, 2019 by A  
Jury of 12 . AND WAS found Guilty of POSS - INSTRUMENT  
OF CRIM, Simple Assault § 2701 A3, Strangulation 27185 A1 - M2,  
Institut'l Vand'ism Educ Facil 3307 A3. NEAR I WAS sentence  
to 18-132 MONTHS UNDER WEAPON ENHANCEMENT for  
(POSSESON of A WEAPON of CRIM) Illegally upon 303.10(A)(3)i  
STATE that there shall be NO Deadly WEAPONS ENHANCEMENT  
for the following charges (1) (POSSESSING OF INSTRUMENT of  
CRIME).

During the leant of trial JENN LONG #4665  
Office of Boro-Twp - of yeabon, PA testified without producing  
ANY Statement within Discover, JENK ACT VIOLATION.  
Office NICHOLAS TOKONITZ #4629 testified that he  
was a witness At trail , Prior to trail he testified  
Preliminary Page 411-417 that he was testifing to  
what other Officer HAD told him, PURJORY UNDER  
OATH testimONY

SCI - Camp Hill  
P.O. Box 200

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